



WASHOE COUNTY

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CM/ACM	<u>KS</u>
Finance	<u>DN</u>
DA	<u>✓</u>
Risk Mgt.	<u>DA</u>
HR	<u>N/A</u>
Comptroller	<u>MS</u>

STAFF REPORT

BOARD MEETING DATE: January 26, 2016

DATE: January 4, 2016

TO: Board of County Commissioners

FROM: Rosemarie Entsminger, Fiscal Compliance Officer, Community Services Department Regional Parks, 328-2044, rentsminger@washoecounty.us

THROUGH: Ben Hutchins, Director, Finance and Administration Division
Community Services Department, 954-4646, bhutchins@washoecounty.us

SUBJECT: Approve an Easement Amendment (Truckee River Bicycle and Pedestrian Traffic Access Bridge) between Washoe County and the State of Nevada Division of State Lands, due to an increase in the annual fees associated with the Easement [\$275 annually]. (All Commission Districts.)

SUMMARY

In 1998, Washoe County entered into an Easement Agreement with the State of Nevada, Division of State Lands, for a bicycle and pedestrian access bridge across the Truckee River located in Dorostkar Park. The Easement Agreement was approved by the Board of County Commissioners (Board) and recorded with the Washoe County Recorder under document number 2560703. At that time, the annual fee associated with the easement was \$250 per year.

Under the terms of the Agreement, the State of Nevada may reassess fees associated with the Easement every five years. Until this time, there has been no increase in the Easement fee; however, a \$25 annual increase, effective July of 2016, has been requested and the subject Easement Amendment will allow for this nominal increase.

Washoe County Strategic Objective supported by this item: Stewardship of our Community.

PREVIOUS ACTION

On August 11, 1998, the Board approved an Easement Agreement with the Nevada Division of State Lands for a bicycle and pedestrian traffic access bridge at the Dorostkar Park and approved the associated \$250 annual fee.

BACKGROUND

In 1998, Regional Parks and Open Space was granted a non-exclusive easement and right-of-way for the purpose of constructing and maintaining a bicycle and pedestrian

AGENDA ITEM # 5.E.1

bridge that spans the Truckee River located inside Dorostkar Park. Because the pedestrian bridge spans the airspace over the Truckee River, a rental fee associated with the Easement is due and payable annually to the State of Nevada. The State Division of Lands recently reassessed and made adjustments to the easement fees for the pedestrian bridge, increasing the annual fee by \$25, effective July 1, 2016. This is the first increase in the annual fee since the Easement was originally approved in August 1998.

FISCAL IMPACT

The Easement Amendment will result in an operating increase of \$25 per year, paid from Parks Truckee River District operations 140620. Sufficient budget exists in this cost center to provide for the cost increase.

RECOMMENDATION

It is recommended that the Board of County Commissioners approve an Easement Amendment (Truckee River Bicycle and Pedestrian Traffic Access Bridge) between Washoe County and the State of Nevada Division of State Lands, due to an increase in the annual fees associated with the Easement [\$275 annually].

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to approve an Easement Amendment (Truckee River Bicycle and Pedestrian Traffic Access Bridge) between Washoe County and the State of Nevada Division of State Lands, due to an increase in the annual fees associated with the Easement [\$275 annually]."



Truckee River, MAC, #5200/14569
Washoe County
Adjacent to APN: 009-030-26

Recording requested by & return to:
Division of State Lands
901 S. Stewart St. Suite 5003
Carson City, NV 89701-5246

EASEMENT AMENDMENT
Bicycle and Pedestrian Traffic Access Bridge,
Truckee River, Washoe County

THIS EASEMENT AMENDMENT, made and entered into this ____ day of _____, 2016, by and between the STATE OF NEVADA, acting through the DIVISION OF STATE LANDS, and the State Land Registrar, hereinafter referred to as GRANTOR, and WASHOE COUNTY, a political Subdivision of the State of Nevada, hereinafter referred to as GRANTEE.

WITNESSETH:

WHEREAS, GRANTOR granted an non-exclusive easement and right-of-way to GRANTEE dated September 1, 1998 and recorded in the Washoe County Recorder's Office as Document No. 2560703 June 5, 2001 for the purpose of constructing and maintaining a footbridge across the bed and banks of the Truckee River in the vicinity of Dorostkar Park in a portion of Washoe County across, upon, over and under that certain property situate and lying within a portion of the SW ¼ of Section 17, Township 19 North, Range 19 East, M.D.M.; and

WHEREAS, the Easement contained a paragraph that in part reads as follows: "In consideration of this easement and right-of-way for bicycle and pedestrian traffic access bridge purposes, GRANTEE hereby agrees to pay a rental fee of TWO HUNDRED FIFTY DOLLARS (\$250.00) per year to the State of Nevada. Said fee to be paid annually in advance commencing on July 1, 1998, and on or before July 1, every year thereafter."; and

WHEREAS, the Easement gives GRANTOR the right to re-assess and adjust the easement fees for the footbridge every five (5) years to reflect any change in value during the term of the easement; and

WHEREAS, GRANTOR recently completed a rental re-evaluation and determined that the annual rental fee for the easement has increased and is due and payable on July 1, 2016;

NOW THEREFORE, GRANTOR agrees to amend the Easement as follows:

FOR AND IN CONSIDERATION of this Easement, GRANTEE, along with its successors and assigns, hereby agrees to pay a rental fee in the amount of TWO HUNDRED SEVENTY FIVE AND NO/100 DOLLARS (\$275.00) per year to the State of Nevada beginning on or before July 1, 2016 and on or before July 1 each year thereafter. The State of Nevada reserves the right to reassess and adjust the rental fee every FIVE (5) years.

If, after full execution of this Easement Amendment, any payment is not made to GRANTOR within **THIRTY (30) days** of the due date as provided herein, GRANTEE shall pay GRANTOR a late payment fee in the amount of TWENTY FIVE AND NO/100

GRANTEE:
WASHOE COUNTY
A Political Subdivision of the State of Nevada

By: _____

Chair, Washoe County
Board of Commissioners

STATE OF NEVADA)
 :SS
COUNTY OF WASHOE)

On _____, 2016 personally appeared before me, a notary public, _____
_____, as Chair of the Washoe County Board of Commissioners, who
acknowledged that she executed the above document.

NOTARY PUBLIC